

Application No. : 10/728,185
Filed : December 3, 2003

REMARKS

Claims 1-30 were pending in the application. By this paper, Applicant has cancelled Claims 8-17, 24, 25 and 28-29 without prejudice, amended Claims 1, 18, 23, 26, 27, and 30, and add new Claims 31-49 as follows: Hence, Claims 1-7, 18-23, 26, 27, 30, and 31-49 are presented for examination herein.

Amendments to the Specification

By this paper, Applicant has amended the Abstract of the invention to correct the deficiencies noted by the Examiner. No new matter has been added.

Objected-to Claims and Allowable Subject Matter

Claims 1 – 30 – The Examiner has objected to Claims 1-30 for the use of indefinite term “node devices” (see page 2 of the Office Action), but has also indicated that Claims 1-7 and 18-22 would otherwise be allowable (see page 12, Par. 13 of the Office Action).

Accordingly, Applicant has amended Claims 1, 18, 23, 26, 27 and 30 by replacing “node devices” with “said node devices” in the Claims. Applicant submits that these amendments render the claims definite and unambiguous, and therefore overcomes the Examiner’s objections.

Claims 8, 13, 24 and 25 and their dependent claims have been canceled without prejudice herein, rendering the Examiner’s objection moot.

Accordingly, Applicant submits that the Examiner’s objections of Claims 1-30 have been overcome, and Claims 1-7 and 18-22 are in condition for allowance. Moreover, the objections with respect to Claims 23, 26, 27 and 30 have also been overcome (see discussion of Section 101 rejections below).

§101 Rejections

Claim 23 - The Examiner has rejected Claim 23 under 35 U.S.C. §101 as being directed to non-statutory subject matter. By this paper, Applicant has amended Claim 23 to replace the claim limitation “A computer program product...” with “A computer **readable medium**...” Support for this amendment is replete throughout Applicant’s specification, and no new matter

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has been added. Amended Claim 23 recites tangible embodiments (apparatus) and therefore fully comports with the requirements of 35 U.S.C. §101.

Accordingly, Applicant respectfully requests that the Section 101 rejection of Claim 23 be withdrawn.

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Claim 24-25 - The Examiner has rejected Claims 24-25 under 35 U.S.C. §101 as being directed to non-statutory subject matter. By this paper, Applicant has cancelled Claims 24-25 without prejudice, rendering the rejections moot.

10 **Claim 26** - The Examiner has rejected Claim 26 under 35 U.S.C. §101 as being directed to non-statutory subject matter. By this paper, Applicant has amended Claim 26 to replace the claim limitation “A computer program product...” with “A computer **readable medium**...” Support for this amendment is replete throughout Applicant’s specification, and no new matter has been added. Amended Claim 26 recites tangible embodiments (apparatus) and therefore
15 fully comports with the requirements of 35 U.S.C. §101.

Accordingly, Applicant requests that the Section 101 rejection of Claim 26 be withdrawn.

Claim 27 - The Examiner has also rejected Claim 27 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner has rejected this claim on the basis that
20 “there was no structure of the device enclosed.”

By this paper, Applicant has amended Claim 27 by changing the term “device” to “node device.” Applicant submits that the specification more than adequately supports amended Claim 27. Description of structure of a node device can be found at various places in the specification including, *inter alia*, paragraph 0019 (“*A node represents and electronic device(s) with an IEEE
25 1394 bus interface. A node device may comprise a computer, a digital camera, a digital video recorder, a DVD player, or another type of device having a suitable bus interface*”) and paragraph 0016 (“*FIG. 2 is a high-level block diagram in block diagram form of a single node shown in FIG. 1*”).

Accordingly, Applicant respectfully requests that the Section 101 rejection of Claim 27
30 be withdrawn.

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Claims 28-29 - The Examiner has rejected Claims 28-29 under 35 U.S.C. §101 as being directed to non-statutory subject matter. By this paper, Applicant has cancelled Claims 28-29 without prejudice, rendering the rejections moot.

5 **Claim 30** - The Examiner has also rejected Claim 30 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner has rejected this claim on the basis that “there was no structure of the device enclosed.”

By this paper, Applicant has amended Claim 30 by changing the term “device” to “node device.” Applicant submits that the specification more than adequately supports amended Claim
10 30. Description of structure of a node device can be found at various places in the specification including, *inter alia*, paragraph 0019 (“*A node represents and electronic device(s) with an IEEE 1394 bus interface. A node device may comprise a computer, a digital camera, a digital video recorder, a DVD player, or another type of device having a suitable bus interface*”) and paragraph 0016 (“*FIG. 2 is a high-level block diagram in block diagram form of a single node*
15 *shown in FIG. 1*”).

Accordingly, Applicant respectfully requests that the Section 101 rejection of Claim 30 be withdrawn.

Based on the foregoing, Applicant submits that the Examiner’s Section 101 rejections of independent Claims 23, 26, 27 and 30 have been overcome. In that the aforementioned
20 objections to these claims have also been overcome (see discussion of Objections above), and no other substantive basis for rejection has been lodged against these claims, Applicant respectfully submits that Claims 23, 26, 27 and 30 are now in condition for allowance as well.

Hence, Claims 1-7, 18-22, 23, 26-27, and 30 are now respectfully in condition for allowance.

25 *§102 Rejections*

Claims 8 – 10, 24 and 28 - Per the Office Action, the Examiner has rejected Claims 8 – 10, Claim 24 and Claim 28 under 35 U.S.C. 102(b) as being anticipated by Hauck et al (US 6,536,558 B1). By this paper, Applicant has cancelled Claims 8-10, Claim 24 and Claim 28,
30 rendering these rejections moot.

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§103 Rejections

Claims 11 - 12 - The Examiner has rejected Claims 11 - 12 under 35 U.S.C. 103(a) as being unpatenable over Hauck et al (US 6,536,558 B1) in view of Kobayashi et al (US 2003/0179719 A1). By this paper, Applicant has cancelled Claims 11-12, rendering these
5 rejections moot.

Claims 13 - 15, 25, 29 - The Examiner has rejected Claims 13 - 15, 25, 29 under 35 U.S.C. 103(a) as being unpatenable over Hauck et al (US 6,536,558 B1) in view of Fukunga et al (US 2003/0202539 A1). By this paper, Applicant has cancelled Claims 13-15, 25, 29, rendering
10 these rejections moot.

Claims 16 - 17 - The Examiner has rejected Claims 16 - 17 under 35 U.S.C. 103(a) as being unpatentable over Hauck et al (US 6,536,558 B1) and Fukunga et al (US 2003/0202539 A1) further in view of Kobayashi et al (US 2003/0179719 A1). By this paper, Applicant has
15 cancelled Claims 16-17, 25, 29, rendering these rejections moot.

New Claims

By this paper, Applicant has added new Claims 31-48. New independent Claims 31 and 43 correspond generally to the subject matter of existing Claim 1, and new Claims 39 and 49
20 correspond generally to the subject matter of existing Claim 18.

New dependent Claims 32-38, 40-42 and 44-48 correspond generally to the subject matter of existing dependent claims 2-7 and 19-22.

Accordingly, Applicant submits that no new matter has been added, and that new Claims 31-49 define patentable subject matter.

Other Remarks

Applicant hereby specifically reserves all rights of appeal (including those under the Pilot Appeal Brief Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and not for
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purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

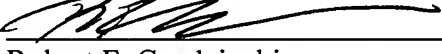
5 Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

10 Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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